

ORDINANCE NO. 14719

FILE OF CITY COUNCIL

BILL NO. 11 - 2009

MARCH 4, 2009

AN ORDINANCE

Amending Article 140, the Personnel System by adopting a new personnel code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the Administrative Code Article 140, Personnel System is deleted in its entirety and the following substituted:

ARTICLE 140 PERSONNEL CODE

- 140.01 Introduction**
- 140.02 Statement of Purpose**
- 140.03 Non-Discrimination Policy Statement of City of Allentown**
- 140.04 Recruitment Procedures**
- 140.05 Hours of Work and Compensation**
- 140.06 Commercial Driver's License (CDL)**
- 140.07 Promotions and Transfers**
- 140.08 Temporary Assignment Duty**
- 140.09 Work-Related Injury**
- 140.10 Modified Duty (Work Related Only)**
- 140.11 Ethical Behavior**
- 140.12 Permanent Evaluations**
- 140.13 Holidays and Leave Time**
- 140.14 Employee Benefits**
- 140.15 Employee Benefits Upon Separation**
- 140.16 Personnel Records**
- 140.17 Employee Conduct and Work Rules**
- 140.18 Discharge, Discipline and Work Rules**
- 140.19 Smoke Free Environment**
- 140.20 Sexual Harassment**
- 140.21 Harassment**
- 140.22 Drug and Alcohol Policy**
- 140.23 Violence in the Work Place**
- 140.24 Third Party-Email Review, Computer Network and Internet Access**
- 140.25 Pennsylvania Whistleblower Law**

Article 140.01 Introduction

The City of Allentown operates under a Home Rule Charter adopted by the Allentown voters on April 23, 1996. Article VI, Personnel System, Section 603, Personnel Code, calls for City Council to enact a Personnel Code for all City employees. The Personnel Code may, from time to time, be amended, as needed to keep the information contained herein current.

The Personnel Code, heretofore referred to as Employee Policy & Procedures Manual, is constructed to provide basic information on all policies and benefits for the City of Allentown employees. The Employee Policy & Procedure Manual does not attempt to address all provisions contained in the three union contracts; F.O.P. (Fraternal Order of Police), I.A.F.F. (International Associations of Fire Fighters), and S.E.I.U. (Service Employees International Union).

Although this manual applies to all City employees, for those employees who are members of a collective bargaining unit, where the terms of the collective bargaining agreement conflict with the manual, those agreements supersede this manual. In addition, the City's Police Officers are also obligated to adhere to the Police Department's Rules and Regulations, as well as the Police Civil Service Board Rules and Regulations, and the City's Firefighters are also obligated to adhere to the Fire Department Rules and Regulations as well as the Firefighters' Civil Service Board Rules and Regulations. The City's Paramedics and staff of emergency medical services are obligated to adhere to that department's rules, regulations and standard operating procedures.

The language of this manual and the rules and policies stated in it are not intended to create, nor are they to be considered to constitute a contract between the City and one or all of its employees. Nothing herein shall be construed or interpreted to alter the "at-will" employment relationship. These policies and rules are not permanent. If circumstances arise which warrant consideration of a change in policies or procedures, employees should bring such circumstances to the attention of their manager. This manual and the policies and procedures contained in it are subject to change at any time at the discretion of the City of Allentown.

Article 140.02 Statement of Purpose

This manual was created in accordance with the Chapter 11 Allentown City Home Rule Charter Article VI II.6-603.

The purpose of this manual is to provide a ready reference source for the City of Allentown's employee policies and is written to be a usable guidebook for all managerial and supervisory staff. This manual not only outlines City policy regarding the various phases of the employer-employee relationship, but it also indicates how policy is to be administered. Consequently, each supervisor should use this manual as a guidebook when City policy is to be applied in a given situation. This manual incorporates the City Human Resources AIM regulations.

The policies herein do not constitute an employment contract or any expectation of or right to continue employment. City employees are considered "at will" employees, unless employment rights are conferred under a collective bargaining agreement or Civil Service.

Article 140.03 Non-Discrimination Policy Statement of City of Allentown

It has been and will continue to be the policy of the City of Allentown that it shall be an equal opportunity employer and will abide by all Federal, State and City equal employment opportunity guidelines. To assure full implementation of the policy, the City of Allentown shall act affirmatively to assure it will:

- Recruit, hire and promote for all job classifications without regard to age, gender, race, creed, handicap, color, religion, ancestry, Veterans status, national origin, sexual orientation, political opinions or affiliations or lawful activity in any employee organization.
- Base employment decisions on an individual's knowledge, skills, abilities and qualifications and interest in the position being filled.
- Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, company-sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard age, gender, race, creed, handicap, color, religion, ancestry, veterans status, national origin, sexual orientation, political opinions or affiliations or lawful activity in any employee organization.
- Ensure that sexual harassment and other forms of harassment in the workplace are prohibited (see Section XX and Section XXI of the City of Allentown Policy & Procedure Manual).

In keeping with the above policy, employees who believe they have been or are being discriminated against or sexually harassed should contact the Director of Human Resources, or designee at (610) 437-7521; (610) 437-7523, or at 435 Hamilton Street, Allentown, PA 18101-1699 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Retaliation against persons who have filed charges, testified, assisted and participated in any way in any proceeding, investigation, or hearing under the provisions of the Age Discrimination Law, or under Title VII of the Civil Rights Act, or Americans with Disabilities Act of 1990, is expressly prohibited and unlawful.

The City of Allentown abides by all Federal, State and City non-discrimination guidelines.

Article 140.04 Recruitment Procedures

1. Non-Uniformed Employment: The recruitment of new employees is the responsibility of the Department of Human Resources.
 - a. Procurement of non-uniformed replacement employees, will be generated from the following sources listed in order of priority:
 1. Applications or resumes on file in the Department of Human Resources.
 2. Individual referred by current City employees other than a relative.
 3. Individuals procured through advertising.
 4. Applications are screened by the Recruitment Specialist or Human Resources Director. An interview will be conducted by the Department Head and/or designees.
 - b. After a conditional offer of employment is made, applicants will be required to undergo a standard drug test, criminal background check and reference check. The screening tests will be scheduled through the HR office with the designated testing facility within 48 hours of offer of conditional employment. Candidates who are unable to successfully pass the drug screen will not be granted employment with the City of Allentown. The City may require a pre-employment physical examination.
 - c. All candidates must comply with recognized safety standards upon work commencement.
 - d. Applicants under 18 years of age will be required to secure proper working papers and will only be permitted to work when all requirements of the law pertaining to hiring of minors have been met.

- e. Hiring of close relatives will be permitted only when related employees are not working in the same Bureau, and there is no direct reporting relationship. Hiring of close relatives may occur because of Civil Service rules and regulations in the Police and Fire Departments.
- f. All new non-uniformed employees are required to undergo a ninety (90) actual work days probationary period. Working days is defined as available for work and reporting to work. Employees are evaluated at 45 days and 90 days. At the end of this period, a performance evaluation will be conducted by the immediate supervisor in accordance with the respective department's performance standards, and general guidelines of this policy manual. The purpose of the probationary period is to give the employee an opportunity to demonstrate proper knowledge, skills, ability, and attitude for the position for which they were hired. Failure to meet acceptable standards will result in dismissal without prior notice or obligation during this period.
- g. The official personnel file will be maintained in the Department of Human Resources.

Regular Part-Time Employees

Anyone employed 32 hours or less per week is considered a part-time employee. This employee may work an average of not more than 25 hours per week. Average can be based on annual total. Part-time employees are not entitled to fringe benefits. Employees hired must complete the appropriate paperwork in the Department of Human Resources such as the W-4, I-9 and workers' compensation initial notification document.

Employment of part-time and seasonal employees will generally be on the basis of applications received, and qualifications to perform the duties required. Employment will be governed by proper authorization and monetary limits that are imposed by the budget.

Part-time employees are subject to a 30-day lay off in a calendar period.

Temporary/Seasonal Employees

Anyone employed for no more than four (4) months who may work up to a maximum of forty (40) hours per week. Seasonal employees are not entitled to fringe benefits and must complete the appropriate paperwork in the Department of Human Resources such as the W-4, I-9 and workers' compensation initial notification document.

Seasonal golf course employees working conditions are governed by the memorandum of understandings agreed to between the City and the Union.

Employment of minors

Employees under the age of 18 are considered minors. The following procedures will apply in relation to their employment.

- a. No person under age 18 will be hired as a full-time employee and no person under age 16 will be hired as a temporary/seasonal employee.
- b. Minors under the age of 18 may not operate any City vehicles at any time.

No Hire Policy

As set forth in this manual, it is the City's policy to attempt to rehabilitate deficiencies in employee conduct and job performance before an adverse action is taken with regard to employment status.

Employees who are involuntarily terminated for disciplinary, conduct or performance related reasons are not eligible for rehire as a City employee should such former employee reapply for employment in the future. Performance reasons shall include, but not be limited to, deficient job performance and excessive absenteeism. Disciplinary or conduct related reasons shall include, but not be limited to, all applicable provisions contained within this policy manual as well as collective bargaining agreements and rules and regulations of police, fire and EMS.

Article 140.05 Hours of Work and Compensation

A. Employment Classifications

City of Allentown employees generally fall into one of the employment classifications:

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| Regular Full-Time: | Employees who are regularly scheduled to work at least forty (40) hours per week. Regular, full-time employees are generally eligible for all available employment benefits, subject to the terms, conditions, and limitations of each benefit program. |
| Regular Part-Time: | Employees that are scheduled to work fewer than forty (40) hours per week based on an annual average, or anyone employed 32 hours or less per week is considered part-time. Part-time employees are not entitled to fringe benefits. Employees will be required to take a 30-day layoff during a calendar year period. |
| Temporary/Seasonal: | Anyone employed for no more than four (4) months who may work up to a maximum of forty (40) hours per week. Seasonal employees are not entitled to fringe benefits. |
| Golf Course Seasonal: | Anyone employed from April to November in accordance with the memorandum of understandings with the NFCO/SEIU. |

Additionally, for purposes of overtime compensation and time-keeping requirements, the City of Allentown employees will be categorized as exempt or non-exempt employees as follows:

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| <u>Exempt:</u> | An exempt employee is an executive, administrative, or professional employee who is exempt from the overtime provisions of the Fair Labor Standards Act (i.e., an exempt employee is not eligible for overtime compensation pursuant to the Fair Labor Standards Act). |
| <u>Non-Exempt:</u> | A non-exempt employee is an employee who is subject to the overtime provisions of the Fair Labor Standards Act (i.e., a non-exempt employee is eligible for overtime compensation pursuant to the Fair Labor Standards Act). |

B. Pay Period

The workweek at the City of Allentown runs from Saturday and ends the following Friday, with two (2) work weeks in each pay period. Employees are generally paid bi-weekly on every other Friday. The work period for bargaining unit employees, Fire Fighters, and Police Officers shall be in accordance with their respective contractual agreements. Each paycheck will include earnings for work performed through the end of the previous pay period. Various mandatory deductions are withheld from each regular paycheck.

State and federal withholding taxes (income taxes), depending upon income and number of dependents, are regularly deducted and periodically transferred to the Internal Revenue Service and the State Tax Commission. Social Security (F.I.C.A) taxes are deducted and deposited with the federal government. In addition, all garnishments and employee-authorized deductions (i.e. health insurance contributions, flexible spending deductions, 457 Plan contributions, pension contributions) are also automatically withheld from each regular paycheck.

In the event that a regularly scheduled payday falls on a Federal banking holiday, employees will be paid on the last scheduled day of work before the regularly scheduled payday.

C. Timekeeping Procedures

Accurately recording "time worked" is the responsibility of every City employee. Federal and state laws require that the City keep an accurate record of "time worked" in order to calculate employee pay and benefits. "Time worked" includes all time actually spent on the job performing assigned duties.

It is the responsibility of the manager/supervisor to make certain that no work is performed by a non-exempt employee prior to his or her regular working hours, during lunch, during unpaid breaks, after working hours, or during personal time off.

All hours and changes must be entered by the individual bureau into the Activity Entry screen by no later than Monday at 10:00 a.m. of a pay week except when notified of a special time due to a City holiday. After the entries are completed, the Bureau must run the Activity Audit Report to verify entries and confirm that there are no errors. In most cases, the bureau can correct the error and re-run the report. Otherwise, the bureau is responsible to alert the Payroll Specialist of the error.

The Bureau is required to fax the Activity Audit Report of Earnings Section by Hour Type with the Home Department indicated on the top left hand corner to Human Resources at (610) 437-7675 after the manager, or designee has reviewed and signed the report. The purpose of this fax is to confirm that the individual bureau entry is completed and that there are no errors. The original completed report is forwarded to the Department Director for review and signature before sending it to Human Resources.

The Employee Leave Balance Report should be printed after running the Activity Audit Report. These reports cannot be printed from Eden once the payroll process is started by the Payroll Specialist. No changes may be made on the activity audit screen after 10:00 a.m. on the Monday of a pay week. Any additions or corrections that were missed may be corrected in another pay period by entering the specific date, hour type and hours.

D. Work Schedules

The City of Allentown standard working hours for non-uniformed personnel are from 8:00 a.m. to 4:30 p.m., Monday through Friday, 8 hours per day exclusive of allowed lunch period of 30 minutes, 40 hours per week, unless otherwise directed or approved by the Supervisor. These hours do not pertain to continuous operations.

Exceptions – At times the above conditions may differ. Schedules may be broken in times of emergency, weather threatening conditions or simply at the will of the City.

In order to ensure proper staffing levels at all times, employees of the City of Allentown are required to provide daily notice to their immediate supervisor regarding their arrival and departure from work. In the event that an employee's immediate supervisor is unavailable, notice to any other supervisor in the office will be sufficient for this purpose.

All regular, full-time employees are provided with an un-paid, 30 minute lunch period each workday. Employees are expected to return from lunch breaks on time. Employees who repeatedly report back to work late from their lunch break will be subject to disciplinary action, up to and including termination.

Absent special approval from the employee's immediate supervisor, employees are not permitted to work through their lunch period in order to make up lost time due to tardiness or out-of-the-office appointments. Likewise, employees are not permitted to work through their lunch period in order to leave work early.

- a. Uniformed – Refer to the respective Collective Bargaining Agreements for work schedules.

E. Overtime

On occasion, non-exempt City employees (i.e. employees paid on an hourly basis) may be required to work overtime hours. When possible, advance notification of overtime assignments will be provided.

Any time actually worked by an employee in excess of forty (40) hours per week is considered overtime. Non-exempt employees shall be paid for overtime at one and a half times the employee's regular rate of pay. All overtime, however, must be pre-approved by the employee's immediate supervisor. For purposes of overtime calculations, time taken as sick hours are not counted as time worked for computing overtime.

Employees who anticipate the need for overtime to complete the week's work must notify the supervisor in advance and obtain approval prior to working hours that extend beyond their normal schedule.

Refusal to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination of employment.

Compensatory Time in Lieu of Overtime Payment - Non-bargaining unit positions which are considered non-exempt in accordance with the Fair Labor Standards Act overtime provisions are generally considered hourly positions. Employees in these positions are eligible for overtime pay or compensatory time calculated at a time and one-half rate for excess hours worked over forty (40) in one (1) workweek. The minimum compensatory time is not to exceed 240 hours for non-uniformed and 480 hours for uniformed police.

Compensatory time in lieu of overtime pay must be agreed to by both the City and the employee beyond forty (40) hours in one (1) week.

Management positions which are considered exempt from the Fair Labor Standards Act overtime provisions are considered salaried positions. Employees are expected to work as many hours as necessary to complete their job duties, whether or not they exceed or fall short of the time periods in which hourly employees are scheduled.

F. Shift Differential – Overtime

Bargaining unit employees are paid in accordance with collective bargaining unit provisions. Eligible non-bargaining unit employees will follow the current SEIU contract shift differential rate. When computing overtime, shift differential, and longevity pay, the amount shall be included with the employee's regular hourly rate of pay.

G. Overpayment – Payroll

If an employee is over-paid, he shall be required to repay the City. A repayment schedule will be

established with Human Resources. The length of the payment schedule may not exceed the time period during which the error occurred. Calculations will be based on the amount of the overpayment divided by the number of pay periods in which the error continued. However, the minimum bi-weekly payment shall never be less than \$50.00/pay unless it can be repaid in a smaller one-time payment.

It is the employee's responsibility to ensure the accuracy and correctness of their pay and information on their individual pay stub.

Article 140.06 Commercial Driver's License (CDL)

Since the federal and state governments have passed legislation requiring a CDL (Commercial Driver's License), most Municipal City workers are required to possess a CDL in order to operate specific City vehicles or equipment.

The City of Allentown may reimburse non-bargaining unit employees for applicable renewal CDL license fees.

Article 140.07 Promotions and Transfers

All promotion and transfer decisions are made in accordance with the City of Allentown's Equal Employment Opportunity Policy. As such, all decisions are based solely upon merit and qualifications.

The City of Allentown endeavors to transfer and promote employees from within its existing workforce whenever possible. To this end, most job openings are internally posted by the City of Allentown.

1. Non-Bargaining Unit Employees: Whenever a job becomes available which can be filled by promotion the City will first assess the qualifications of employees interested in the position. Management reserves the right to post internally, externally or both. All vacancies or new jobs may be posted on all bulletin boards for a period of seven (7) business days and be awarded to the employee who has the capability to perform the work. Capability shall be determined by the Department of Human Resources and Department Manager.
2. Bargaining Unit Vacancies: Refer to applicable Collective Bargaining Agreements for posting requirements. A successful bidder can be held in current position for up to two (2) pay periods.
3. Uniformed Employees: Promotions for uniformed employees covered by Civil Service will be made through the administration of Civil Service examinations in accordance with existing Civil Service Rules and Regulations.
4. Promotional Pay Increase: When a non-bargaining unit employee is promoted, he/she may be placed in the salary range of the new position with an increase of five (5%) percent over their current pay grade. The employee will not be paid higher than the highest pay grade for that classification, even if that pay is less than five (5%) percent. This increase may be at the discretion of the department head based on budgetary constraints and at the recommendation of the Bureau Manager.

Bargaining unit employees whose position is changed (upgraded, downgraded, lateral move) shall have such change made in accordance with their respective contractual agreement.

When non-bargaining unit employees' positions are downgraded, they shall be placed in the position and their pay shall remain the same provided their pay does not exceed the pay range for that classification. In these cases, the employee will be placed in the highest pay for the classification.

When bargaining unit employees are promoted to a higher paying non-bargaining unit position, they will be placed in their new pay grade and receive an increase of five (5%) percent over their current pay grade and step. In no event shall an employee be paid higher than the highest pay grade for that classification even if

that pay is less than five (5%) percent. This increase may be at the discretion of the new department head based on budgetary constraints.

Article 140.08 Temporary Assignment Duty

The City of Allentown non-bargaining unit employees may be entitled to additional compensation when performing services that are temporary in nature and beyond the scope of, and not part of, their regular responsibilities. Compensation for the additional services will be determined, in advance, through consultation between the Human Resources Department and the Department Head requesting the additional compensation. Employees assuming temporary assignment duty gain valuable experience which could enhance their promotional qualifications.

Municipal bargaining unit employees temporarily assigned to higher paying Municipal bargaining unit positions will be paid in accordance with their respective contractual agreement.

Municipal non-bargaining unit employees temporarily assigned to higher paying non-bargaining unit positions will be paid five (5%) percent above their current base pay as temporary acting duty (TAD) pay. An employees' pay, however, will not exceed the highest rate for that position.

Non-bargaining unit employees temporarily assigned to higher paying non-bargaining unit positions may be paid five (5%) percent above their current base pay unless more than five (5%) percent is necessary to attain the starting salary of such position. Such non-bargaining unit employee's pay, however, shall not exceed the highest pay grade of any temporary assignments pay grade.

Employee attendance records must reflect the number of days that the employee worked the higher paying job while on TAD and the name and pay grade of the higher paying job.

Non-bargaining unit employees in the status on TAD will not be paid TAD for time not worked such as sick leave, vacation, holidays, personal day, "non-productive" or any paid and/or non paid time off.

Bargaining unit employees will be paid in accordance with their respective contractual agreement.

Employees will begin receiving TAD compensation effective the first day they begin performing the increased job responsibilities.

Article 140.09 Work-Related Injury

The City of Allentown has been approved by the Commonwealth of Pennsylvania Department of Labor and Industry Bureau of Workmen's Compensation as a self-insured employer under the existing laws of the Workmen's Compensation Act. All employees that are injured on-the-job, after informing their Supervisor of the injury, should go directly to the designated medical provider as posted at various City locations, or any of the approved physicians, as are approved from time to time by the administration. It is the employee's responsibility to notify their Supervisor and the Department of Human Resources as soon as possible if you have an on-the-job injury, or job related illness.

The Human Resources Department is responsible for employees on workers' compensation and will work with the physician to determine if and when an employee can be released for modified duty and to obtain written limitations for the modified duty assignment. Copies of the limitations will be distributed by Human Resources to the Bureau involved with the modified duty assignment. Modified duty assignments are at the sole discretion of the City. The City is not required to create modified duty assignments.

The following procedures are to be followed for all claims against the City's Workers' Compensation policies:

1. All job related injuries, no matter how minor, should be reported to the injured employee's supervisor immediately. A report must be put on file in accordance with departmental procedures. Delay in notifying the supervisor could jeopardize any and all benefits due.
2. If medical attention is required, the Supervisor must notify Human Resources. If the injury or illness requires immediate attention, the employee should be transported directly to the nearest medical facility and a report form obtained by the supervisor as soon as possible after the incident. Supervisor must then notify the Bureau Manager, who in turn must notify Human Resources no later than noon of the next business day.
3. In the event of a work related injury the employee should go directly to the approved medical provider or to one of the designated physicians as posted at various City locations.
4. Any medical bills received by the City of Allentown for injuries sustained during the performance of work duties that were not reported according to the above procedures may NOT be eligible for coverage and could become the employee's responsibility for payment.
5. Upon return from medical treatment, the employee must submit the doctor's statement to their Bureau. Documents will be forwarded to Human Resources.
6. In the event that an injury or illness, or other events or causes for a sick leave by a City employee is determined to be covered by the Pennsylvania Workmen's Compensation Law, the employee shall thereupon be entitled to receive such compensation as provided under the Pennsylvania Workmen's Compensation Law.
7. During the mandatory 7-day "waiting period" prior to receiving any benefits of compensation under the Workmen's Compensation Law, the employee may elect, but shall not be required, to use part or all of his/her sick leave entitlement. Those sick days will not be considered as part of the sick leave occasions.
8. When an employee is released by the attending physician to return to normal duties, a physician's return to work form must be presented upon return to work. An employee may not return to work without this statement.
9. All medical benefits will be continued during the Workers' Compensation leave. Employees will be required to reimburse any and all health benefit deductions missed while off payroll.
10. The City of Allentown will make a reasonable effort to help injured City employees return to full, productive work status in a timely manner by identifying available temporary interim assignments. Failure on the part of the employee to accept the assignment and cooperate could result in suspension of benefits.
11. If the employee has returned to work but still requires periodic treatment of therapy by a licensed practitioner appointments shall be scheduled during non-working hours. If it is not possible for the appointments to be scheduled during non-working hours, the employee will not lose pay for the time away from the job. The employee is required to submit a note from the practitioner stating the date, duration and type of treatment administered. The employee is to report back to work immediately after the appointment.
12. The City shall have the right to have the employee examined by a physician of the City's choosing for the purpose of evaluating the employee's continuing disability and/or ability to return to work in

a normal capacity. The employee will be notified in writing as to the date, time and place of examination. Failure on the part of the employee to attend and cooperate with this request could result in suspension of benefit payments on the part of the City.

13. If the results of the medical examination show that the employee is able to return to work in normal duty capacity, and the employee does not comply, all benefits paid by the City may be suspended.
14. Should a separate illness or injury occur unrelated to the current and ongoing work related incident during the disability period, it will have no effect on the status of payment of workers' compensation benefits. All claims will be submitted according to normal procedures for non-work related benefits.
15. If the employee has returned to work and there is a recurrence of the original illness or injury, medical attention should be sought immediately and physician recommendations followed.

Supervisor Responsibilities

1. The Supervisor will conduct an incident investigation and will ensure completion of all forms for job-related injury/illness and will forward them along with the employee's request for modified duty, through the chain of command to the Human Resources Department.
2. The Supervisor should report the incident to their superior immediately.
3. Ensure that the employee is listed properly on the time sheet as working in a limited duty capacity.
4. Attempt to secure witnesses or witness information where possible and applicable.

Employee Responsibilities

1. Inform your supervisor as soon as possible of the injury/illness
2. Seek medical treatment if needed.
3. Complete forms for injury/illness and forward to the supervisor along with physician's medical release form, and a modified duty request form.
4. Keep all medical appointments and follow the physician instructions.
5. Provide progress reports to the Human Resources Department when received by the physician.
6. Submit medical release form to the Human Resources Department when released by the physician.

Police Officers and Firefighters may be eligible to receive benefits under the Heart & Lung Act of 1935, P.L. 477, No. 193.

Article 140.10 Modified Duty (Work-Related Only)

The City of Allentown will make a reasonable effort to help City employees who incur a work-related injury return to full, productive work status in a timely manner by identifying available temporary interim assignments for them. Modified duty is a privilege offered to employees that provides benefits to both the City and to the employee. *The City maintains no permanent modified duty positions.*

When an employee suffers an injury/illness and is unable to perform the essential job functions of their positions, consideration will be given to a modified duty assignment. Whether the injury/illness is work-related or non-work-related will ultimately be determined by the City's Workers' Compensation carrier. Falsifying an injury or illness is a violation of City policy and subject to disciplinary action up to and including termination.

Employees are required to report medical conditions that do not allow them to perform the essential job functions of the employee's current assignment and position to their supervisor and the Department of Human Resources. The following are procedural guidelines for this policy:

1. Modified duty assignments will be determined and scheduled according to the needs of the City and medical restrictions.
The Department of Human Resources will notify the Bureau Manager of an employee's eligibility for modified duty, expected date of return to work, and provide recommendations as to suitable job placement for temporary modified duty assignments.
2. The Department of Human Resources will be responsible for monitoring, coordinating and processing of all modified duty requests and placements.
3. The Department of Human Resources, Bureau Manager or employee's immediate Supervisor will discuss the assignment with the employee. The employee may request union representation. An employee's refusal to take an approved interim modified duty assignment will constitute insubordination, and will result in disciplinary action up to and including discharge.
4. The Department of Human Resources will ensure proper follow-up with the employee including medical releases to return to regular duties. As the City provides no permanent modified duty positions a maximum of six (6) months will be allotted for modified duty assignments, with no more than one such assignment in any given 12-month period per employee. At the end of six (6) months if the employee remains unable to return to full duty without restrictions, the Human Resources Department will review the employee's status and medical documentation to determine if an employee can return to work to perform the essential functions of the job, or if they will be recommended for termination. Such a recommendation would be made to the department Bureau Manager by the Director of Human Resources.
5. Promotional processes and transfers while on modified duty will be at the discretion and approval of the department Bureau Manager and/or in accordance with union contracts.
6. Whether or not a duty weapon may be carried, a marked or unmarked vehicle operated, or uniform worn during modified duty (where applicable) will be at the sole discretion of the Police, or designee.
7. If the employee is fit for modified duty, but there is no suitable assignment available, he or she will continue receiving workers' compensation.
8. Modified duty assignments are not to be used for employees unable to perform the essential functions of the job due to matters not related to work-related illness or injury.
9. Upon receipt of a medical release form from the physician releasing the employee for full duty the employee is required to report back to work as of the date on the release from the physician. Failure to report back to work in accordance with the medical release date may result in disciplinary action, up to and including termination.

ARTICLE 140.11 Ethical Behavior

As referenced in the City's Code of Ethics, public office demands the highest respect of the public and consequently there is an incumbent duty upon all public officials and employees to fulfill that trust.

City employees must maintain the highest ethical standards in the conduct of City affairs. The intent of this policy is that each employee will conduct the City's business with integrity, and comply with all applicable laws in a manner that excludes considerations of personal advantage of gain.

The City of Allentown Ethics Ordinance, Article 171 of the Codified Ordinances, is in place which governs all ethical matters, supersedes this Policy and shall govern and control any conflict that may arise. Employees are imputed with knowledge of the Ethics Ordinance, and bound by it.

Violation of the Ethics Ordinance by an employee or appointed official may result in disciplinary action up to and including discharge.

A copy of the Ethics Ordinance may be obtained from Human Resources, City Clerk or viewed on the City's Official Website.

Employees are required to notify their immediate supervisor if any action or activity that may be in violation of the Ethics Ordinance. The Ethics Board has issued opinions regarding certain topics, which may provide guidance to the action or activity in question; Human Resources should be consulted. The employee or supervisor may also seek an opinion directly from the Ethics Board, which opinion shall be controlling until or unless it is overturned through the applicable appeal procedure or by a court of competent jurisdiction.

This Policy shall set forth a general summary of actions or activities that have the potential to violate the Ethics Ordinance.

- Any relationship or activity that might impair, or even appear to impair your ability to make objective and fair decisions when performing your job.
- The use of City property, information or position for personal gain, including by way of example, the use of City-owned vehicles, equipment, materials, services or property for the convenience or profit of themselves or any associate, except when such are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- Using or directing the use of subordinates on City time for private or personal benefit. Public employees should refuse to perform improper personal tasks on government time and immediately report such activity to Human Resources.
- Ownership, associate of or significant interest in, any outside enterprise which may gain an advantage due to one's position with the City or its interests.
- Acting as a broker, finder, go-between or otherwise for the benefit of the third party in transactions involving or potentially involving the City or its interests.
- Any other arrangement or circumstances, including family or other personal relationships which might dissuade the employee from acting in the best interest of the City.
- Accepting gifts, discounts, favors or services from a customer/potential customer, or supplier, unless equally available to all City employees.

- Accepting any valuable gift, in the form or service, loan, thing, or promise, from any person, firm, corporation or association which to their knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the City; nor shall such official or employee or associate of either of them accept any gift, regardless of value, favor or thing of value that may tend to influence them in the discharge of their duties or grant in the discharge of their duties any improper favor, service or things.
- Using the prestige, power or influence of his position on behalf of any political party.
- Engaging in political activity during while on duty or during work hours.
- Taking an active part in political campaigns for candidates for City office or promise an appointment to any municipal position as a reward for any political activity nor remove or threaten the removal of another official or employee for failure to participate in political activity.
- Owning in person or through an agent or broker, or be a principal in any corporation, partnership or other business entity which owns, any real property within the City of Allentown that is in violation of City or state laws or regulations. Property shall be deemed to be in violation when a reasonable and proper notice and order to correct violations duly issued has not been obeyed in a timely manner.
- Appearing on behalf of private interests before any agency of the City or to represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party.

Article 140.12 Performance Evaluations

Each employee shall be evaluated during the first 45 and 90 working day increments after being hired. At which time the employee's supervisor and the Director of Human Resources will determine whether to provide the employee with regular status, extend the employee's probationary period or discharge the employee.

Article 140.13 Holidays and Leave Time

Holidays, vacation, personal and sick leave are granted to all full-time employees according to length of employment and union/non-union status. Employees who are union members, or whose positions are covered by a collective bargaining agreement are granted leave time in accordance with contract provisions. Employees who are not covered by a collective bargaining agreement are granted leave in accordance with the provisions outlined below. Any provisions outlined below which are not addressed in either collective bargaining agreement apply to all full-time non-bargaining employees.

A. HOLIDAYS

Paid holidays are provided to all full-time non-bargaining employees effective with the date of hire. If an employee requests a sick day before or after a holiday, a medical certification must be submitted upon return to work. Below is a listing of holidays observed by the City of Allentown:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	

B. VACATION TIME

The following vacation schedule has been established for all full-time nonbargaining unit employees:

Date of hire prior to January 1, 1998

<i>Years of Completed Service</i>	<i>Vacation Leave Allowance</i>
1 year but less than 2	1 Per Month
2 years	15 days
3-5 years	16 days
6-10 years	18 days
11 years	19 days
12 years	20 days
13 years	21 days
14 years	22 days
15 years +	25 days

Date of hire after December 31, 1997

<i>Years of Completed Service</i>	<i>Vacation Leave Allowance</i>
1 st year	.625/day per each completed month
2 – 3 years	10 days
4-5 years	14 days
6-10 years	16 days
11 years	17 days
12 years	18 days
13 years	19 days
14 years	20 days
15 years +	25 days

Vacation time accrues after the completion of the first four months of employment.

Accrued vacation time is to be taken in the current year during which it becomes available. Up to 10 days of unused vacation time may be carried over from one year to the next.

Approval is required by the Bureau Manager for all requests, with consideration given to ensure adequate departmental staffing. Seniority will dictate when conflicting requests are made simultaneously or at the beginning of the current year. Approval of other requests made throughout the year will be granted on a first-come-first-served basis.

C. PERSONAL DAYS

Non-bargaining unit employees receive seven (7) personal days earned per year.

Personal time cannot be used until after the completion of the first four months of employment.

Personal days must be used during the calendar year in which they are earned, and not carried over from one calendar year to the next.

D. SICK TIME

Sick time is provided for all non-bargaining employees and accrues at 1-3/4 days per month, up to 200 days. If an employee needs to call off sick, the supervisor must be notified within one hour of the employee's normal starting time. If employee does not report off in the required time period the employee will receive no pay for that day's absence.

Beginning from date of hire, sick leave accrues as follows:

1-3/4 days per month

Employees must complete a four (4) calendar month waiting period before using sick leave. Sick leave will be earned during the 4 month period of employment, but cannot be used until after the 4 months of employment.

The City will not make sick leave payments to any person whose injury or illness is attributable to employment outside the City services and the City reserves the right to demand repayment of the sick leave benefits made under such circumstances.

Medical certification for non-bargaining employees is required for sick leave in excess of five (5) consecutive days.

For a non-bargaining unit employee who reaches their sixth occasion of sick leave usage within a twelve-month period will be required to submit a City medical certification form. The City will notify the employee after the 5th occasion that a medical certification will be required with the 6th occasion.

If the employee is diagnosed with a chronic, on-going or recurring health condition, the employee may submit a letter from his/her physician stating the nature of the illness and the dates of the sick occasions that relate to this diagnosis and those occasions will be recorded as one. Future occasions relating to this same diagnosis will require the employee to submit a City medical certification form from the physician indicating that the latest occasion of sick leave relates to the original diagnosis and then the employee will not be charged with additional occasions.

Sick Time Pay-Out – At normal, full retirement employees eligible for pension will receive ten (\$10.00) dollars per day for unused sick leave days to a maximum of 100 days. Employees vesting in their pension are not entitled to this payout.

Sick Bonus – Non-bargaining unit employees that use less than two (2) sick days in a calendar year are eligible for one (1) additional bonus personal day in the following year.

E. LEAVE OF ABSENCE

The City of Allentown recognizes that circumstances may arise which require that a full-time employee be absent for an extended period of time for medical reasons. In such instances, the employee may be granted an unpaid leave of absence, depending upon the circumstances of the individual's situation and based on the Bureau Manager's approval.

An unpaid leave of absence begins as of the date the employee is deactivated from City payroll.

Personal Leave of Absence - Any regular full-time non-bargaining unit employee may apply in writing to the Human Resources Department for an unpaid City leave for personal reasons if he/she has completed at least one year of continuous service for the City of Allentown and has used all accrued vacation time. The length of total leave time approved, including any paid time (such as vacation time) will not exceed one year.

Such a leave of absence will not exceed 180 consecutive calendar days measured from the date the leave commences.

To qualify for leave of absence the employee must have utilized all of her/his "available" and/or "accrued paid leave.

A personal leave of absence is approved by the Bureau Manager if the employee's absence does not impact the operational needs of the City. A leave that would cost the City more than the salary savings of the employee for the unpaid period, or would undermine the City's service delivery because of the specialized training, critical nature of the job, or seasonal workload fluctuations, will not be granted a leave of absence.

Employees requesting a leave of absence should request the leave in writing, to their Bureau Manager at least 30 calendar days before the leave would commence if possible. The request should include the purpose of the leave, the starting date, the duration of the leave in work days and the return to work date.

An employee will be eligible for medical benefits through COBRA coverage at their own expense during the unpaid personal leave of absence.

F. FAMILY AND MEDICAL LEAVE ACT ("FMLA")

The City of Allentown recognizes that it sometimes may be difficult for employees to balance the demands of a job with personal and family needs. The Family Medical Leave Act of 1993 ("FMLA") requires certain employers to allow eligible employees to take up to 12 weeks of leave (paid and/or unpaid) to care for a newborn or newly adopted child, to recuperate from their own serious illness, or to care for a seriously ill family member. For purposes of this policy, "family members" include: (1) the employee's spouse, (2) the employee's parent, (3) the employee's natural or adopted child or dependent stepchild. For FMLA purposes, the year shall begin on the first date FMLA leave is taken.

An eligible employee is one who has at least 12 months of service with the City of Allentown and has worked at least 1,250 hours for the City during the previous 12-month period. Eligibility is determined at the time the employee requests the leave.

An employee of the City of Allentown who has worked for the City for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and works at a worksite which employs fifty (50) or more employees within seventy-five (75) miles, is eligible for leave under the Act. Spouses, both of whom are employed by the City of Allentown, are limited to a total of twelve (12) weeks of leave between them, in any twelve (12) month period, except in circumstances where either spouse or their child is affected by a qualifying serious health condition.

Your twelve (12) weeks of leave may be taken intermittently or your weekly schedule may be reduced in hours, only if written approval from the City of Allentown is given. If you need intermittent or reduced leave schedules due to a medical necessity, your request may be accommodated, provided you make every effort to schedule your absences so as to minimize the impact on the City of Allentown business operations.

Eligible Conditions: Family and medical leave may be requested for:

- *Birth, adoption, or foster care* – A new parent or foster parent may apply for leave within one year after child is born or placed in the parent's home. If both parents work for the City of Allentown, they will be entitled to a total of 12 weeks between them.
- *The employee's serious health condition, as defined by the law.*
- *A family member's serious health condition, as defined by law.*
- *For qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.*

A covered employer also must grant an eligible employee who is a spouse, child, parent, or next of kin of a current service member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of **26 workweeks** of unpaid leave during a "single 12-month period" to care for the servicemember.

Use of Paid leave Prior to FMLA Leave: For non-bargaining unit and SEIU employees, leave time will run concurrent with Family medical leave. However, for Police and Firefighters leave time will not run concurrent and employees will be allowed to take the 12 week family medical leave after leave time has been exhausted, if requested by the employee, in writing.

If an employee requests leave under FMLA because of his/her own serious health condition, the employee must first use his/her accumulated sick leave, accumulated vacation days and any accrued vacation or personal days. If an employee requests leave to care for an adopted child with a serious health condition, he/she must first use accumulated vacation and personal days and any accrued vacation days. If these days are fewer than 12 weeks required under the law, the City will grant additional days without pay but with paid medical benefits provided by the Act to a total of 12 weeks.

FMLA leave taken because of an employee's serious health condition shall not be considered when calculating occasions of sick leave used. During the term of FMLA leave, employees will accrue seniority, sick leave, vacation leave and personal days.

Prior Notice and Authorization: The City of Allentown requires that you provide the City with a thirty (30) days' advance notice when FMLA leave is needed, if your need is foreseeable. Otherwise, you must provide the City of Allentown with as much notice as is possible. The City may delay the taking of foreseeable FMLA leave until 30 days after the required notice is provided if these conditions are not met. If you are taking leave for personal illness or the illness of a family member, the City of

Allentown requires that you submit medical certifications from a physician. When you request such leave, we will provide you with the appropriate forms.

Forms: When the City receives a medical certification indicating that the employee has a serious health condition and will be on medical leave for longer than five (5) days, the employee will be notified in writing that medical leave will be charged to the yearly entitlement under the provisions of the FMLA.

The employee will be required to provide medical certification of a serious health condition to the City of Allentown in accordance with FMLA and as will be further explained to the employee requesting FMLA leave at the time of such request. When an employee requests such leave, the City will provide the employee with the appropriate forms. The Department of Labor-Certification of Health Care Provider form must be completed by a Physician and returned within 15-days following the request.

While on FMLA leave, employees are requested to report periodically to the City every 30 days regarding the status of the medical condition and their intent to return to work.

In accordance with our uniform medical leave of absence policy, if you take FMLA leave for personal illness, the City of Allentown will also require a medical certification, on a City of Allentown Medical Certification form, indicating whether you are able to return without restrictions or unable to return from leave due to your health condition. Restoration may be denied until such certification is provided.

Return from FMLA Leave: At the conclusion of FMLA leave, most employees will be restored to their original or equivalent positions with the equivalent pay, benefits and other terms and conditions of employment. The City of Allentown is not obligated to restore any employee whose job position has been eliminated during the leave period. The City of Allentown reserves the right to deny restoration to certain highly compensated employees if necessary to avoid substantial and grievous economic injury to the City of Allentown's operations. These "key" employees are among the ten percent (10%) most highly compensated employees and will be notified of their status as "key" employees at the time they make their request for family medical leave. If it is anticipated that it may be necessary to deny restoration to a "key" employee, the City of Allentown will notify that employee and offer him/her an opportunity to return to work. If that employee elects not to return to work, the City of Allentown will nevertheless reconsider at the end of the leave period whether or not it will be possible to reinstate that employee without suffering substantial and grievous economic injury.

Health Care Coverage: During the period of your FMLA leave, the City of Allentown will continue your health care coverage as if you were continuously employed. Failure to make timely co-payments, for those required, may result in the termination of your health care coverage. Provisions for the payment of your health care co-payments will be made at the time of your leave request. The use of FMLA leave will not affect your exempt status under the Fair Labor Standards Act if you are already considered exempt. If you fail to return to work at the conclusion of your leave period, you are obligated to repay the City of Allentown the cost of your health care premiums paid for by the City during the period of your leave.

Other Terms and Conditions: The City of Allentown will not interfere with, or restrain or deny the exercise of any right provided under the FMLA. We will not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA nor will we discriminate against or discharge any person because of involvement in any proceeding under or related to the FMLA. The Secretary of Labor is authorized to investigate and attempt to resolve complaints of violations and

may bring an action in any federal or state court against a company for violating the FMLA. The FMLA will be enforced by the Department of Labor's Wage and Hour Division. An eligible employee may also bring a civil suit for violations of the FMLA. It should be noted that the FMLA does not affect any federal or state law prohibiting discrimination, nor does it supersede any state or local law which provides for greater family medical leave benefits. The FMLA does not affect an employer's obligation to provide greater leave benefits if that is required under a collective bargaining agreement or employment benefit plan or contract. No rights provided for under the FMLA may be diminished or waived by the agreement, plan or contract. A copy of your rights under the FMLA is posted at the City of Allentown, and we are always happy to answer any questions concerning the FMLA or other concerns you may have as an employee. When FMLA is requested, we will provide you with a summary of your rights and obligations, and the expectations that we have of you in exercising leave. If an employee should find that an additional leave of absence is needed at the end of the FMLA leave period, that employee should feel free to contact the City of Allentown Human Resource Department. Requests for additional leave of absence will be handled on an individualized basis.

G. OTHER COMPENSATED LEAVE

Additional instances may arise when a non-bargaining unit employee needs to be away from work for reasons unrelated to vacation, personal or sick time. The following instances are identified:

1. Bereavement Leave

All full-time non-bargaining unit employees will be granted the following paid bereavement leave to attend the funeral to mourn the recent death of a family member:

<i>Relative</i>	<i>Days of paid leave</i>
Spouse, Spouse's immediate family; parents, children, brothers, sisters, grandparents and grandchildren.	4 (Days off may begin on the day of the death but will end no later than one week following the day of the Funeral.)
Other Family Members: Spouse's brother or sister.	1 (Day for the Funeral)

Employees who become eligible for funeral leave while on sick or vacation leave will be paid funeral leave rather than sick or vacation leave.

An employee should make every effort to notify their supervisor prior to taking such leave. The City of Allentown reserves the right to demand proof of any death and relationship for which leave is taken.

2. Military Leave

a. Training - Time off with pay is provided for employees who are required to attend active training. The leave(s) include scheduled work weekends, summer training, etc.

1. The employee may request leave verbally or in writing, however, the request must be in as much in advance as possible. In addition, it is asked that the employee submit two (2) copies of the orders pertaining to the military duty to Human Resources along with the request or upon receipt.
2. Employees are required to complete the Military Benefits Request form in order to receive pay.

b. Active Duty – Request leave under 2.a.1 above. Pay for the difference between the employee's City pay and the employee's military pay begins. Any cash benefits received from military (with the exception of quarters allowance BAQ, hostile fire, VHA) shall be included in cal-

culations for differential. Credit will be given the reservist with appropriate annual and anniversary salary increases from the City.

1. Pension – Employee will pay the full amount as a member of the pension system on the full salary the employee would have earned if still employed by the City for the time that the employee wishes credit. Employee will have up to three times the length of the employee's immediate past period of military service to make up the missed contributions, with a maximum repayment period of five (5) years. The employee will have the option of paying member contribution, as a lump sum payment or by payroll deduction over the period specified herein.
 2. Seniority – Credit as if reservist had not left.
 3. Term Insurance – Coverage will be provided as if the reservist had not left City employment.
 4. Health Coverage – Coverage will be provided for reservist and dependents.
 5. Dental Coverage – Reservist and dependents can participate in the City's plan by paying the current employee amount of the premium cost.
 6. Vacation, Sick Leave and Personal Days – Employee's options are to be paid the vacation balance when employee leaves, employee can take vacation prior to leaving, or employee can request to hold in escrow vacation which is available at time of active duty call-up.
3. Court Appearances - The City recognizes when an employee will need to be excused from work to appear in court (if subpoenaed) to testify on matters pertaining to their City job. Subpoenas shall be submitted with attendance records to the Human Resources Office. Prompt notification of the supervisor is required.
- a. Witness fees for City-related court appearances must be submitted to the City in order for the employee to receive full pay.
 - b. Employees shall make their own arrangements for court appearances not related to their job (e.g. vacation, personal day).
4. Jury Duty – The City recognizes an employee's obligation to fulfill a jury duty summons. Employees are permitted time off with pay; however, instances may occur when it is necessary for the employee to request the Court to reschedule the dates of attendance.
- a. An employee must notify his/her supervisor immediately upon receipt of a jury duty summons. A copy of the summons will be put in the employee's personnel file.
 - b. Employees will continue to receive full pay for jury duty service. However, upon return to work, a receipt must be submitted of payment received for services rendered as a juror. The amount received for jury duty equal to the payment is to be reimbursed to the City within ten (10) working days following the employee's return to work. If reimbursement payment is not received, the employee's next paycheck will be adjusted to reflect the amount due to the City.
 - c. If jury duty extends beyond thirty (30) days, the City reserves the right to request written confirmation from the court administrator attesting to the need for the employee to continue serving as a juror for the duration of the trial.

Article 140.14 Employee Benefits

The second component of compensation, following pay, is employee benefits, consisting of the various forms of insurance and work-related cost savings to employees, which are paid partially or completely by the City. This section lists and briefly explains the various employee benefits.

A. HEALTH

The City of Allentown provides full-service hospitalization/medical services/major medical, health maintenance organization plan, prescription, dental and vision benefit plans for full-time employees and their eligible dependents. Coverage is available for an enrolled full-time employee effective after a two-month waiting period.

All covered employees and their dependents have an option of participating in either the traditional hospitalization/medical services/major medical coverage, or in a health maintenance organization (HMO) plan.

1. Traditional Medical – A major medical supplement having an individual and family deductible.
2. Health Maintenance Organization - Employee must choose a primary care physician and pay the current office visit co-payment.
3. Prescription – A mandatory generic prescription drug program is provided. Generic drugs will be dispensed unless written "brand necessary" by treating physician. There is a co-pay for prescription medications. A 90-day supply is available through mail order.
4. Dental – A basic dental plan is provided with a limited deductible for each family member. The employee will be required to pay a portion of the premium costs.
5. Vision – Employees have a choice between the basic vision plan (offered only through the health maintenance organization coverage), or a specialty program for vision coverage for the employee or eligible dependents. Employees may be required to pay toward the premium costs through payroll deductions.

Retiree Coverage – For all eligible retirees, the City will provide the same health insurance benefits described above including the prescription plan, but excluding the dental plan and vision plan, subject to the following conditions:

1. To be eligible the employee must have at least fifteen (15) years of service and retire on or after January 1, 1984, the age of eligibility is 55. Coverage will remain in effect until the retiree attains age 65, until the retiree ceases contributions, or until the retiree's death, whichever occurs first.
2. Coverage is at the option of the retiree. If he/she retires before obtaining the age of eligibility, he/she must enroll in a plan before her/his eligibility age birthday. If he/she retires after attaining the eligibility age, he/she must enroll before terminating employment.
3. Once covered, if a retiree discontinues making payment of the required contributions or does not make the contribution by the 9th day of each month, he/she can never participate in a City retiree plan again for any reason.
4. Coverage for dependents is contingent upon the retiree's eligibility for coverage and the retiree's timely option for enrollment.
5. Opt-in or Opt-out Option - Non-bargaining unit employees may opt in or opt-out of the current medical program offered at the time of his/her retirement. If a covered employee chooses to opt out of the current medical program offered at the time of his/her retirement, that retiree may elect to opt in, but prior to the age of 65, to a medical program offered to retired non-bargaining employees by the City at the time of a subsequent, future open en-

rollment period. The election by the retiree to opt in to a future City sponsored medical program may be exercised only once during each retiree's lifetime.

6. The City will pay 75% of the premium costs for said medical and prescription coverage and the retiree will pay the remaining 25% of the premium costs. Failure to make payment by the 9th day of each month will cause the coverage to cease and the employee will receive a COBRA notification. Employee will not be able to exercise their retirement option for coverage because of nonpayment.
7. A non-bargaining unit employee must retire from the City with 15 years of service and attain the age of 55 to be eligible for this retiree health benefit. Employees resigning from the City of Allentown and vesting their pension are not eligible for this retiree health benefit option.

Summary plan descriptions are made available to all employees enrolled in the plans.

B. LIFE/ACCIDENT

Life term insurance coverage is available to all full-time employees based on their group status as follows:

Group Name	Amount
SEIU Employees	\$20,000
Non-Bargaining/Supervisor Employees	\$50,000
Fire Union Employees	\$50,000
Police Union Employees	\$75,000

This policy includes an accidental death and dismemberment clause which provides a benefit equal to the life insurance benefit to the designated beneficiary in the event of the employee's accidental death. See the summary plan description booklet for details on plan provisions. The City pays the full cost of this coverage.

There is a waiting period for this coverage.

Upon retirement the employee will receive a reduced death benefit.

C. PENSION PLANS

There are two pension plans available to eligible employees which provide income security upon retirement:

1. Uniformed Plan: The police and fire bargaining units maintain a separate pension plan. Contributions may be required from all participants in accordance with the applicable pension ordinance and contractual agreements.
2. Non-Uniformed Plan: All full-time non-uniformed employees are eligible and required to enroll in the plan administered through Pennsylvania Municipal Retirement System (PMRS) at the completion of the initial waiting period of four months. The employee is required to contribute 7.5% of their total compensation (on a pre-tax basis). The retirement benefit is based on the last five (5) years average salary. Full retirement age is age 55. Full plan details can be obtained by referring to the plan booklet provided by PMRS.

D. FLEXIBLE SPENDING ACCOUNT

The City provides a Flexible Spending Account to allow all regular, full-time employees to set aside a portion of their compensation or wages to cover eligible expenses of insurance premiums, un-reimbursed medical and dependent care costs without having federal and social security taxes deducted.

E. DEFERRED COMPENSATION PROGRAM

The City provides to all full-time employees the opportunity to participate in a deferred compensation program, 457 Plan. The plan lets you defer, or "set aside", a portion of current earnings into an account for your retirement. When you do this, you reduce the amount of your income that is taxable now.

F. EMPLOYEE ASSISTANCE PROGRAM

As part of your employee benefits program you can obtain professional help through an Employee Assistance Program for yourself or a family member.

A staff of professional psychologists and counselors provide confidential assistance in dealing with any number of problems you may have, such as a family crisis concerning relationships with spouses, children, adolescents or older parents, legal issues, pressures on the job or at home, drug or alcohol addiction, or any other personal problem. The first five visits are free. Additional sessions may be partially covered under the City's medical plan.

Employees interested in learning more about the City's EAP program should contact the City's EAP counselors. Brochures are available in the Human Resources office or from your Supervisor.

Article 140.15 Employee Benefits Upon Separation

The following outlines various ways in which an individual's employment ceases and the effects on employee benefits:

A. RESIGNATIONS

If an individual's employment ceases with the City for any reason other than willful misconduct and the employee provides at least two (2) weeks written notice, the employee is entitled to receive pay for any accrued vacation time. The employee will not be compensated for any unused sick and personal time. If the employee participated in either the uniformed or non-uniformed pension plan, he/she may expect to receive a distribution from the applicable plan, pursuant to the terms of that plan. The pension plan distribution and accrued vacation will be paid following the employee's termination date. City-sponsored health and life insurance coverage will continue through the end of the month.

B. LAYOFFS/REDUCTION IN WORK FORCE

In the event of a layoff or reduction in work force which affects employees not covered by a collective bargaining agreement, the City will provide thirty (30) days notice to affected regular full-time employees, or appropriate (equivalent) pay in lieu of notice. Employee benefits will be affected as stated above. The notice and employee benefit allowance provisions do not apply to individuals who are not regular full-time employees.

C. RETIREMENT

An employee eligible for retirement should contact the Human Resources Department at least thirty (30) days in advance of the anticipated retirement date to discuss the effective date of termination and its' effect on employee benefits, and to begin the processing of required paperwork. Vacation accrual allowances will be paid following the date of retirement. City-sponsored health coverage ceases on the last day of month of employment.

D. DEATH OF AN EMPLOYEE

In the event of the death of an employee, his/her beneficiary or estate will receive compensation for any salary to which the employee is entitled, as well as any benefit amounts due from life insurance and pension plans, in accordance with beneficiary designations.

Article 140.16 Personnel Records

It is important for every employee to notify the Bureau Manager and the City's Human Resource Department, in writing of any change in the employee's personal information, such as: name, address, telephone number, marital status or number of dependents. This information, as well as performance evaluations and any other information which the City deems appropriate, will be placed in the employee's personnel file. The City will treat the information contained in that file as confidential.

Article 140.17 Employee Conduct and Work Rules

A. ATTENDANCE

All employees are expected to be at work on time each scheduled workday, unless on an authorized absence. Good attendance practices are necessary to accomplish the work required to operate the City in an effective manner. All employee absences must be reported on the weekly attendance sheet. The Supervisor and the Human Resource Department will monitor attendance and abusive trends.

1. Work Week – For purposes of payroll processing, the City maintains a seven-day work week, Saturday through Friday.
2. Work Hours – All employees' work a standard work week of forty (40) hours, except as designated by administrative policy.
3. Pay Periods – Payroll is processed in biweekly pay periods, every other Friday. If a pay-day falls on a banking holiday, payroll is processed on the last business day prior to that holiday.
4. Lunch Periods - All full-time employees are provided a lunch break each day. Employees may leave the building during their lunch periods. A schedule of when lunch periods may be taken is prepared by the Bureau Manager to ensure adequate staffing. Union employee lunch breaks are outlined in each respective collective bargaining agreement.

B. OUTSIDE EMPLOYMENT

Employees may hold outside employment as long as it does not interfere with the performance standards of their job with the City of Allentown. However, outside employment that constitutes a conflict of interest is prohibited. See Section XI, Conflict of Interest.

C. TRAVEL POLICY

It is the policy of the City to reimburse employees for travel expenses, including the cost of transportation, meals and lodging, provided such travel is performed in the course of conducting City business and has been approved by the respective supervisor in advance and the proper pre-authorization documentation is completed by the employee.

1. Activities which justify reimbursement of travel expenses include the attendance at professional association meetings, conventions, and seminars or other selected educational functions related to the employee's job.
2. Upon return from travel, all employees must complete the appropriate form, Travel Expense Voucher, and submit it within thirty (30) days of return.

D. TELEPHONE USAGE

Telephones are provided for employees to conduct day-to-day City business. Non-business personal long distance and local calls on City telephones at the City's expense is strictly prohibited. The abuse use of telephones consist of, but is not limited to, use which interferes with the employee's work performance, or the ability of other employees, or incoming calls to utilize that telephone line. City issued cellular phones are part of the City's phone system.

Abuse of the City telephone system will result in disciplinary action up to and including termination.

E. PARKING

Parking spaces are available for employees on a monthly rental fee in the parking deck at Fourth and Hamilton Streets. The fee will be deducted from each employee's paycheck.

All employees who are authorized to use the parking deck will be required to register their vehicle's make, model and license number. It is the employee's responsibility to inform the Allentown Parking Authority of any changes in vehicle ownership.

An electronic key entrance card will be issued to each registered employee.

The Human Resources department interacts with the Allentown Parking Authority for the parking spaces available for City Hall employees.

F. CITY EQUIPMENT AND PROPERTY

It is prohibited for any City employee to use City equipment or property for personal benefit or any other use other than day-to-day City business.

When operating a City-owned, or leased vehicles, employees are required to have in their possession at all times a current valid driver's license which reflects the appropriate classification for the size and type of the vehicle driven.

Infractions that could lead to immediate disciplinary action up to and including termination of employment include, but are not limited to:

- Use or evidence of alcoholic beverages or controlled substances while operating or when scheduled (including standby) to operate City vehicles or equipment.
- Operation of City vehicle while driver's license is under suspension.
- Operation of City vehicle without proper driver's license classification.
- Unauthorized use of City vehicle or equipment.
- Unauthorized passengers when operating City equipment.
- Failure to report an accident which results in property damage or personal injury, regardless of who was injured or to what extent or where the accident occurred.
- Careless loading or unloading of equipment or materials.
- Failure to take necessary precautions to protect a load or equipment; e.g. tarps on asphalt and leaf loads.
- Failure to report mechanically defective condition of vehicle or equipment.
- Use of seat belts or safety restraints or devices.

Driver's Licenses: An employee who is required to possess a valid driver's license and who, as a result of revocation/suspension of that license (for ninety days or less), are unable to perform the full scope of the duties and responsibilities of their position shall have their base salary reduced by five (5%) percent. If the reduction/suspension of that license is over six (6) months, the City may terminate, suspend or temporarily transfer the employee.

If an employee permanently loses their driver's license and it is a requirement of their position to hold a valid license, employment with the City will be terminated.

If an employee is required to have an ignition interlock device in their personal vehicle as part of their driving restrictions, the City will not allow the employee to operate any City vehicles during this restriction. The City will not put an ignition interlocking device in any City vehicle to accommodate an employee who has these restrictions. The City will not sign an ignition interlock employment exemption affidavit to allow an employee who holds an ignition interlock license to drive any employer-owned vehicles.

The Bureau Manager or the designated Supervisor is the primary contact between the employee and City management and is responsible for the following:

1. Every ninety (90) calendar days the manager must check each driver's license of each employee who operates City vehicles or equipment. Employees must have a current valid driver's license which reflects the appropriate classification for the vehicle they are operating.
2. Keep dated, written records of each employee's quarterly driver's license check and report the finding to the City's Safety Compliance Officer.
3. Notification needs to be provided to the Bureau of Human Resources of all employees involved in license-related infractions.

G. ELECTRONIC RECORDING DEVICES

The City of Allentown prohibits employee use of cameras, camera phones, tape recorders or other recording devices in the workplace as a preventative step believed necessary to secure employee privacy and other business information.

It is prohibited for any employee to use a camera or other video or audio recording device in the workplace unless specific advance written authorization has been obtained from the Director of the Department.

Authorization may be granted when a specific business purpose will be served by the possession or use of such a device and when its use will not violate employee privacy. In such a case all parties to the meeting or conversation that is to be recorded must have been informed at its outset that it will be monitored, transcribed, intercepted, or recorded and they have consented to such actions prior to the conversation, preferably in writing.

Authorization may be revoked at any time for any reason. In such cases employees will be given a reasonable opportunity to remove the equipment from the premises.

Employees are also prohibited from arranging for others, including non-employees, to engage in any recording of conversations, phone calls, or other activities in the workplace.

Employees should regard this policy as an explicit statement that the employer does not consent to tape recording of any meetings or discussions without prior authorization as discussed above.

Employees with questions about this policy should contact their supervisor.

H. RULES OF CONDUCT

In the interest of efficient and safe services to the public and to protect the well-being and rights of all employees, employees must observe certain work rules and rules of conduct. Employees are expected to become familiar with these rules and observe them without exception. If any of these rules are not clear, employees should consult their supervisor. Violation of these rules is cause for disciplinary action, up to and including discharge. This list is not all-inclusive, but a thorough knowledge of its contents will minimize the possibility of employees being disciplined for actions that they thought were acceptable.

1. Employees are expected to be on the job, on time, each scheduled workday. Absent or tardy employees must notify their supervisor as early as possible, indicating how long they will be absent or late so that work schedules can be adjusted. Bureau Managers may require notification before the scheduled starting time if supervisory personnel are available to receive calls. Absent employees who do not report off within ½ hour of the starting time will be considered to be absent without leave. If an employee does not report to work or is tardy without notice AND a replacement is called in the employee will be treated as being absent for the entire day and will not receive any pay for the day.
2. Excessive absenteeism or tardiness will not be tolerated. A continuing record of unsatisfactory attendance/punctuality will result in progressive disciplinary action. Employees may not take time off without pay to avoid disciplinary action.
 - a. Full-Time Employees: Subject to the approval of their Bureau Manager, full time employees may take off without pay a maximum of fifteen (15) days (120 hours) in any calendar year. Such time may not be used in smaller increments than two (2) hours.
 - b. Part-Time Employees: Subject to approval by their Bureau Manager, part-time employees may take off without pay a maximum of eight (8) days (64 hours) in any calendar year. Such time off may not be used in smaller increments than two (2) hours.
3. An employee's performance of their job is important. All employees are expected to cooperate with their supervisors and follow instructions. Insubordination, which is the refusal to follow a

- supervisor's proper order, is a major offense and may result in immediate suspension and possible discharge.
4. Poor workmanship is not acceptable. Employees are expected to perform their work properly and efficiently and to meet established standards of quality considered to be acceptable for the type of work performed.
 5. Rules for Safety and Health are established for employee's protection. These rules must be observed. Employees injured on the job must report the injuries to their supervisors as soon as possible. Willful or habitual violation of safety regulations is unacceptable.
 6. Disruptive horseplay is not allowed.
 7. Possessing firearms, ammunition, or any other kind of offensive or defensive weapon or device without specific authorization by the Police Chief is forbidden.
 8. Any conduct which is in violation of the law or accepted standards of decency or morality, including the use of obscene or abusive language and/or behavior, will not be tolerated.
 9. Sleeping loitering, unnecessary visiting, doing personal business and not present at the job site constitutes a theft of time and will be subject to discipline.
 10. Appearance and hygiene are important. Employees are expected to wear the issued uniforms and to maintain them in a clean and presentable manner. Employees not issued uniforms are expected to wear clothing that conforms to accepted business and work place standards.
 11. Employees are expected to use and maintain their tools and equipment in a safe, clean condition. Abuse, careless use, and/or unauthorized use of tools and equipment are unacceptable. Employees who lose or abuse equipment can be required to pay for its replacement. Management will obtain replacements through standard City procedures. The employee will reimburse the entire cost to the City through payroll deduction.
 12. Employees' jobs may entail working with confidential information. Employee's are not permitted to release or discuss confidential information with unauthorized persons and are required to abide by all applicable Federal, State, and Local laws. Violation of this directive will result in discipline up to and including discharge.
 13. Public employees' major responsibility is to provide service to the community. Courtesy and respect to all members of the public as well as to all co-workers are extremely important.
 14. Employees are obligated to cooperate in every investigation of misconduct or wrongdoing in the workplace of which they have knowledge and report to their supervisors instances of such behavior. Responses, whether oral or in writing, shall be truthful and complete to the best of the employee's recollection. An employee's refusal or failure to cooperate fully and/or provide truthful responses will result in discipline.

I. DRESS CODE

Fostering a positive, professional, and comfortable working environment is a key priority for the City of Allentown. It is expected that employees will exercise good judgment, and appropriate grooming when dressing for work. Individual departments may require more stringent dress policies for business purposes. In those circumstances, the departmental policy will prevail.

1. Uniformed Employees – No aspect of this policy shall usurp standard practices and policies for those employees required to wear uniforms, and shall not conflict or supersede any collective bargaining agreement.
 - Fire and Police: Each employee shall be governed by their applicable collective bargaining agreement and departmental guidelines.
 - Municipal: Appropriate uniforms and safety equipment will be furnished to all employees required to wear uniforms or use such equipment
2. Employees are required to wear City-issued clothing and safety equipment during work hours. Bureau Managers are given the discretion to alter the dress codes to meet extreme

conditions of cold or hot weather. Employee or personal safety must not be compromised. City supplied outer garments must be worn outside any personal clothing. Employees may wear t-shirts during warm weather, but they must be the currently authorized City color, with no lettering other than a union logo.

3. Uniforms are not to be worn when off duty in accordance with SEIU Contract Article 34, Item 5.
4. Uniforms identify the individual as an employee of the City of Allentown. Identification patches on the uniform shall not be removed. Altering City clothing or cutting off sleeves, pants legs, etc. or defacing the fabric is not permitted.
5. New uniforms and equipment are issued on an as needed basis in accordance with SEIU Contract Article 34, Item 3. Retiring or otherwise separating employees must return old uniforms and equipment.

The City of Allentown wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is not acceptable: Spandex, bare feet, shorts-pants-skirts worn below the waistline, sexually provocative clothing, hats in the office environment; clothing with profanity, nude, or semi-nude pictures, sexually suggestive slogans; cartoons or drawings, or the observable lack of undergarments and exposed undergarments. In addition, visible body piercing (other than ears) is prohibited.

Monday through Thursday Attire:

1. Choose business or business casual clothing for employees not required to wear a uniform or City issued clothing.
2. Keep your workday schedule into account when you are dressing. Casual business attire means clothing that allows employees to feel comfortable at work, yet appropriate for an office environment. Business attire includes, but is not limited to: slacks, khakis, oxford shirts, ties, skirts and dresses, turtlenecks, sweaters, loafers, or other closed-toe shoes, and sandals.
3. In some cases, and only as specified and approved by your supervisor, employees will be permitted to wear jeans. Such occasions would appropriate to employees performing tasks that do not require uniforms, but require more durable fabric in the course of their work.

Friday

While the City observes a casual dress policy on Friday of each week, there may be situations requiring more formal attire. If you are conducting or attending meetings, seminars, roundtables, etc. where you come in contact with other business professionals, you are expected to represent the City in a professional manner and dress appropriately for conducting such business. Know your audience, remember what you represent and dress accordingly. We want to stress that casual business dress code policy is a privilege and must be adhered to in order to be retained.

The Friday dress code for the office may include jeans and well-kept athletic shoes. However, "Casual Friday" does not mean "sloppy" nor is it a time to become slack in one's appearance. It should be a time for one to feel comfortable, but dressed neatly.

The following attire will not be allowed: tank tops, tee shirts, flip flops, cut-off jeans, jeans with holes or shorts. Again, employees who in the course of their work must wear a uniform will be expected to continue that practice on Casual Day.

Managers and supervisors are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling employees whose appearance to the public is inappropriate. Reasonable accommodation will be made for employees' religious be-

liefs and disabilities whenever possible, consistent with the business necessity to present a professional appearance to the public. Questions or complaints that cannot be handled to an employee's satisfaction by his or her supervisor or manager should be taken to the Human Resources Department.

Any employee whose appearance does not meet these standards will be counseled by their supervisor or manager. If the appearance is unduly distracting or the clothing is unsafe, the employee may be sent home to correct the problem. Employee will not be paid during this absence when they are sent home to correct the problem. Repeated disregard for the dress and grooming policy may result in disciplinary action up to and including termination of employment.

J. PERSONAL RELATIONSHIPS

An employee who is involved in a personal relationship with another employee may not work directly for or supervise the employee with whom he or she is involved. *Personal relationship* is defined as a marriage or relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The City of Allentown reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.

If a personal relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the Department Director or Manager. When a conflict or the potential for conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

Employees should be made aware that consensual sexual or romantic relationships can result in claims of sexual harassment because the voluntariness of the consent may be questioned when a power differential exists. If a sexual harassment claim subsequently is filed, the argument that the relationship was consensual will be evaluated in light of the power differential.

Article 140.18 Discharge, Discipline and Work Rules

For the benefit and protection of all employees, the City and the City's residents, certain rules with regard to proper employee conduct are necessary.

The first purpose of disciplinary action is to correct the behavior of employees who have violated City, departmental or bureau work practices or rules of conduct. Discipline should be administered carefully and consistently.

Disciplinary action will be progressive; verbal reprimand, written reprimand, time off without pay, discharge. Progressive disciplinary action is not limited to violations of only one work rule; that is, verbal reprimand for tardiness may be followed by a written warning for horseplay, time off for drinking on the job and discharge for another tardiness incident. Progressive discipline may also "skip" less severe disciplinary action if the violation warrants, even if there have been no previous disciplinary action taken against the employee. Any discipline other than a reprimand must be reviewed with the Human Resource Manager or designee.

Managers/Supervisors are required to fully document all disciplinary measures and the incidents that give rise to the discipline. A copy of all such documentation must be provided to Human Resources. Reports of sexual harassment or any other harassment must be reported to Human Resources.

The following is a partial list of the kind of improper conduct which, when engaged in, will constitute grounds for disciplinary actions, up to and including immediate discharge:

A. WORK RULES

1. Excessive Absenteeism or Tardiness will not be tolerated. Hourly employees are expected to be on the job, on time, each scheduled workday. Absent or tardy employees must notify their supervisor as early as possible, indicating how long they will absent or late so that work schedules can be adjusted. Absent employees who do not report off within one-half (1/2) hour of the starting time will be considered to be absent without leave, will not receive pay for the day and will be subjected to progressive disciplinary action. Tardy employees who do not report to work within one-half (1/2) hour of their scheduled starting time will not be permitted to work.
2. Insubordination will not be tolerated. An employee's performance of his or her job is important. All employees are expected to cooperate with their supervisors and follow a supervisor's proper order and instructions.
3. Poor workmanship is not acceptable. Employees are expected to perform their work properly and efficiently and to meet established standards of quality considered to be acceptable for the type of work performed.
4. Violations of Safety and Health Rules. Employees are expected to perform their work properly and in accordance with established safety and health rules.
5. Disruptive horseplay is not allowed.
6. Possession of firearms, ammunition, or any kind of offensive or defensive weapon or device during work time or while in or on City property without specific authorization by the Police Chief is forbidden.
7. Reporting to work under the influence of alcohol or illegal drugs, while at work, during lunch or during break periods. An illegal drug includes prescription medication for which the employee does not have a valid prescription.
8. Bringing alcohol or illegal drugs onto City property.
9. Selling or attempting to sell alcohol or illegal drugs in or on City property.
10. Theft of time, property and/or services of the City, another co-worker, or the public.
11. Punching another employee's timecard or moving the card as a joke.
12. Terroristic threats, fighting, threatening, intimidating or coercing another co-worker.
13. Falsifying records, including time cards, time sheets, accounting records, applications for employment or any other City records relating either to the employee or his/her work.
14. Malicious acts; acts of vandalism; willfully or carelessly damaging City property, the property of another employee or of a City resident.

15. Use of City equipment or property for personal benefit or any other reason other than day-to-day City business.
16. Any conduct that is in violation of the law or of accepted standards of decency or morality, including the use of obscene or abusive language and/or behavior.
17. Sleeping, loitering, unnecessary visiting, doing personal business and getting "lost" during hours that employees should be working constitutes a theft of time.
18. Unacceptable appearance and hygiene.
19. Disclosing confidential information with unauthorized persons.
20. Lack of respect and courtesy to the public and co-workers.
21. Interference with City communications systems, including radio transmissions, data networks, telephone systems, fax transmissions and/or mail systems.
22. Unauthorized use, delivery or copying of data, or licensed computer programs.
23. Attempting to gain unauthorized access to the City's computer system. Deleting, corrupting or intentionally falsifying records.
24. Disruptive, abusive arguments which undermines the work being performed.
25. Insubordination, rebellion, failure to recognize or accept the authority of a supervisor, or open defiance of a person in charge.
26. Operating a City vehicle when driver's license is under suspension or revocation.
27. Unauthorized use of City vehicle or equipment.
28. Failure to report an accident which results in property damage or personal injury, regardless of whom was injured, the extent of the injury or where the accident occurred.

The above list is not intended to be all-inclusive.

Article 140.19 Smoke-Free Environment

The City of Allentown by law is adopting the 2008 Clean Indoor Act, Pennsylvania Senate Bill 246 that prohibits smoking in workplaces, enclosed and substantially enclosed areas. The use of tobacco products is prohibited in all City buildings, including fire houses, police stations and City vehicles. "No Smoking", "Smoke-Free Building", or "Smoke Free Workplace" signs are posted throughout City properties by Building and Maintenance.

Department Directors and their Bureau Managers are responsible to enforce this regulation. Smoking poses a significant risk to the health of the smoker and is a dangerous, life-threatening addiction. It can damage sensitive technical equipment and can be a safety hazard. A growing body of research now documents that smoking can also pose a significant health risk to nonsmokers. Most threatened are those with chronic heart or lung diseases such as asthma, chronic bronchitis or emphysema. Smoke-filled air can aggravate their illnesses. Healthy nonsmokers who are exposed to environmental tobacco smoke are also at risk. Environmental tobacco smoke is a cause of diseases, including lung cancer in healthy nonsmokers.

Article 140.20 Sexual Harassment

A. Definitions: The following phrases shall have the meanings specified below for the purposes of this policy:

1. Sexual Harassment: Unwelcome, on-the-job, offensive conduct of a sexual nature.
2. Quid Pro Quo Harassment: Submission to or rejection of unwelcome sexual advances or sexually oppressive conduct by an individual being used as a basis for employment decisions affecting such individual.
3. Hostile Environment: Conduct which unreasonably interferes with an individual's job performance or creates an "intimidating, hostile or offensive working environment," whether or not it leads to tangible or economic job consequence.

B. Policy:

It is the policy of the City of Allentown to maintain a working environment that is free from all forms of sexual harassment. It is against the policy of the City of Allentown and illegal under State and Federal law for any employee, male or female to sexually harass another employee. The City will abide by the Federal and State laws prohibiting sexual harassment.

This policy applies to all employees of the City of Allentown, including, but not limited to, full and part-time employees, seasonal and temporary employees, employees covered or exempted from personnel rules and regulations on or off-duty employees harassing another City employee on or off-duty, employees working under contract for the City and employees harassing non-employees while the employee is on duty or in City uniform.

It is hereby declared that acts of unwelcome sexual conduct, as defined herein, or the creation or perpetuation of a hostile work environment, or quid pro quo harassment are hereby prohibited within the employment of the City of Allentown by officers, agents and employees of the City.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to that conduct is made either explicitly or implicitly as a term or condition of employment.
- Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual.
- The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to the following when such acts or behavior come within one of the above definitions:

- Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors.
- Intentional touching or grabbing a sexual part of the body.
- Intentional touching or grabbing any part of the body without consent or after that person has indicated, or it is known, that such physical contact is unwelcome.
- Continuing to ask an employee to socialize on or off-duty when that person has indicated that they are not interested.

- Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that behavior is unwelcome.
- Continuing to write sexually suggestive notes or letters if it is known or should be known that person does not welcome such behavior.
- Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior.
- Regularly telling sexual jokes or using sexual vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior.
- Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as, but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties of work environment, etc.).
- Derogatory or provoking remarks about or relating to an employee's sex.
- Harassing acts or behavior directed against a person on the basis of an employee's sex.
- Off-duty conduct that falls within the above definition and affects the work environment.

Sexual harassment can also consist of intimidating, abusive or hostile behavior of a nonsexual nature toward an employee on the basis of gender. Verbal abuse and hostility that is not sexual in character but is directed solely at females because they are female, or males because they are male; for example, is likewise a violation of this policy on the same level as harassment of a sexual nature.

Sexual harassment can also be same sex harassment. It is likewise a violation of this policy for a male to harass another male, or a female to harass another female.

Offensive conduct of a sexual nature by non-employees; such as, vendors, outside contractors and the like, against employees in the workplace should be reported immediately so that the appropriate action can be taken.

C. Procedures, Investigations, Sanctions and Appeal Notifications

Any employee who feels subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels comfortable. Complaints may be made orally or in writing to:

- Employee's immediate supervisor
- Employee's department director
- Human Resource Manager, or designee
- City Solicitor
- The Mayor

Although employees are encouraged to try and resolve disputes with the help of their immediate supervisor, employees have the right to circumvent the chain of command in selecting the person to whom to make a complaint of sexual harassment.

The employees should be prepared to provide the following information to the individual to whom a complaint of sexual harassment is made:

- The employee's name, department and position title.
- The name of the person committing the sexual harassment, including person's title, if known.
- The specific nature of the sexual harassment, its duration and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- Any witnesses to the harassment.

- Whether the employee has previously reported such harassment and, if so, when and to whom.

The filing of a bona fide complaint or otherwise reporting sexual harassment will not adversely affect the individual's employment status or future terms and conditions of employment.

Investigation

All complaints of sexual harassment will be promptly investigated and addressed by the designated Equal Employment Opportunity Officer.

The City of Allentown is committed and required by law to take action when it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint.

Care will be taken to protect the identity of the complaining party and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation.

It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit it to the Human Resource Manager, or designee, or in the event the sexual harassment complaint is against the Human Resource Manager, to the City Solicitor.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

Upon the receipt of a complaint of sexual harassment, the investigator shall immediately:

- Obtain a written statement(s) from the person complaining of sexual harassment that includes a comprehensive report of the nature of the sexual harassment complained of and the times, dates and places where the sexual harassment occurred. The investigator shall orally question the person complaining of sexual harassment about any information in the written statement that is not clear or needs amplification.
- Obtain a written statement(s) from witnesses that include a comprehensive report of the nature of the conduct witnessed and the times, dates and places where the conduct occurred and the conduct of the person complaining of sexual harassment. The investigator shall orally question witnesses about any information in their written statements that is not clear or needs amplification.
- Obtain a written statement(s) from the person against whom the complaint of sexual harassment has been made. The investigator shall orally question the person against whom the complaint of sexual harassment has been made about any information in the written statement that is not clear or needs amplification.
- Prepare a report of the investigation that includes the written statement of the person complaining of sexual harassment, the written statements of witnesses, the written statement of the person against whom the complaint of harassment was made and the investigator's notes connected to the investigation and submit the report to the Human Resources Manager or designee. In the event that the sexual harassment complaint is filed against the Human Resources Manager, the report shall be submitted to the City Solicitor.
- The investigator may require any statement to be made under oath. When a statement is to be made under oath, it shall be substantially in the following format:

I, _____ hereby make under oath, penalty of perjury and with full understanding that false statements will result in disciplinary action, including possible job termination, that the following is true:

INSERT FACTS HERE

Date: _____ Signature: _____

Upon receipt of a report of the investigation of a complaint of sexual harassment against an employee, the Human Resources Manager, or designee shall immediately review the report. The Human Resources Manager, or designee may question the person complaining of sexual harassment, the person against whom the complaint of sexual harassment has been made, witnesses to the conduct in question or any other person who may have knowledge about the conduct in question. The Human Resources Manager, or designee, shall keep written records of the investigation in the same manner prescribed for the investigator. If the Human Resources Manager, or designee, finds the investigation report is adequate, a determination may be made as to whether sexual harassment occurred based on the report, subject to due process hearing rights.

Based on the report and the separate investigation, where one is made, the Human Resources Manager, or designee, shall within a reasonable time, determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment, subject to due process hearing rights. In making the determination, the Human Resources Manager, or designee, shall look at the record as a whole and the totality of the circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

Sanctions: The Human Resources Manager, or designee, determines that the complaint of sexual harassment is founded; the person against whom the complaint of sexual harassment was made shall be subject to immediate and appropriate disciplinary action.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors that relate to fair and efficient administration of perception of the offense and the light in which it casts on the City.

The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary action taken shall be kept, including verbal reprimands.

The victim of sexual harassment shall be informed of the nature of any disciplinary action taken,

The Human Resources Manager, or designee may monitor future conduct of the parties involved in order to reasonably insure that the remedial action taken has been effective in stopping the harassment and that no retaliation has occurred.

Notifications: This policy will be distributed to all employees and Department Directors of the City. Annually, every employee shall receive a copy of this policy and shall be required to certify that they have received such copy. This certification shall be maintained in each employee's personnel file. A summary of this policy including where to obtain a full copy of the policy shall be placed on all employee bulletin boards

in every Department. It shall be a violation of this policy to remove the policy from any bulletin board or deface this policy in any manner. Mandatory training sessions on this policy and the prevention of sexual harassment shall be held for all personnel during appropriate in-service training programs and orientation sessions.

D. Employee and Supervisor Responsibility

1. Employee Responsibility: It is the duty of all employees, to be familiar with this policy. Each employee has a stake in preventing sexual harassment and thus shares responsibility with the Human Resources Manager, or designee in taking measures to eliminate sexual harassment in the workplace.

No employee, shall, in any way, retaliate, harass or discriminate against a person making a complaint of sexual harassment or involved as a witness or otherwise with a complaint of sexual harassment.

In cases in which sexual harassment is committed by a non-employee against a City employee in the workplace, the Human Resources Manager, or designee shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

Employees are not only encouraged to report instances of sexual harassment; they are obligated to report instances of sexual harassment. Sexual harassment exposes the City to liability and part of each employee's job is to reduce the City's exposure to liability.

Employees are obligated to cooperate in every investigation of sexual harassment. The obligation includes, but is not limited to:

- a. Coming forward with evidence, both favorable and unfavorable concerning a person accused of sexual harassment.
- b. Fully and truthfully making a written report under oath upon request.
- c. Orally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.

Employees are also obligated to refrain from making accusations of sexual harassment in bad faith.

Disciplinary action may be taken against any employee who fails to report instances of sexual harassment, or who fails, or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

2. Supervisor Responsibility - Every supervisor is responsible for promptly responding to and taking immediate and appropriate action when they see sexual harassment in the workplace. Supervisor must report any complaint or suspected acts of harassment. Supervisors should report to the Human Resource Manager (who has been designated to receive such complaints or reports) or to the City Solicitor.

Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Article 140.21 Harassment

It is the policy of the City of Allentown to prohibit any and all forms of harassment and discrimination of employees. Pursuant to the City's policy of equal opportunity, the City of Allentown shall maintain a work environment for its employees free from harassment and discrimination related to race, color, religion, sex, age, national origin, disability, or any other protected characteristic as established by law. A finding that harassment/discrimination exists shall result in disciplinary action up to and including discharge.

- A. Harassment/discrimination is defined as conduct both verbal and physical against a person which is unwelcome, humiliating and demeaning and which denigrates or shows hostility toward an individual because of protected class and when:
 - 1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment.
 - 2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual.
 - 3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- B. Examples of harassment/discrimination include, but are not limited to the following, when such acts or behavior come within one of the above definitions:
 - 1. Either explicitly or implicitly conditioning any term of employment; e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts on acceptance of or submission to harassment/discrimination.
 - 2. Displaying or transmitting derogatory pictures, objects, cartoons, or posters relating to any individual(s) referenced in the policy statement above if it is known or should be known that the behavior is unwelcome.
 - 3. Using sexually suggestive, ethnically offensive or racially derogatory terms or epithets, addressing or referring an employee by names based upon the individual's disability or handicap, or making statements indicative of religious intolerance if it is known or should be known that such behavior is unwelcome.
 - 4. Regularly telling jokes offensive in nature related to any individual(s) as referenced in the policy statement above if it is known or should be known that the person does not welcome such behavior.
 - 5. Retaliation of any kind for having filed or supported a complaint of harassment/discrimination; such as, but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.
 - 6. Derogatory or provoking remarks about or relating to any employee as referenced in the policy statement above.
 - 7. Harassing acts or behavior directed against a person on the basis of an employee's race, color, religion, sex, age, national origin, disability, or any other protected characteristic as established by law.
 - 8. Off-duty conduct that falls within the above definition and affects the work environment.
 - 9. Harassment/discrimination can also take the form of offensive conduct by non-employees, such as vendors, outside contractors and the like against employees in the workplace.

This general harassment/discrimination policy applies to all employees of the City of Allentown, including, but not limited to, full and part-time employees, seasonal and temporary employees, employees covered or exempted from the personnel rules and regulation, on or off-duty employees harassing another City em-

employee on or off-duty, employees working under contract for the City and employees harassing non-employees while the employee is on duty or in City uniform. Any harassment/discrimination in the work place, whether committed by supervisory or non-supervisory personnel, is prohibited.

The procedures for investigations, sanctions and appeals and employee responsibilities are outlined in the Sexual Harassment policy in Section XX.

Article 140.22 Drug and Alcohol Policy

The City of Allentown is firmly committed to the health and safety of employees and considers the influence of alcohol and drugs in the workplace to be detrimental to employees, co-workers, and the public. To maintain a drug-free workplace, the City of Allentown has established a drug-free awareness program. Whenever necessary, employees are encouraged to seek drug or alcohol counseling and rehabilitation information through the City's Employee Assistance Program. Information regarding the Employee's Assistance Program is located in Section XIV of this policy. Employees should reference the City's Substance Abuse Handbook for CDL drivers.

Adherence to the City of Allentown's policy on drugs and alcohol is a condition of employment for all employees.

As an employee of the City of Allentown, It is unlawful to, manufacture, distribute, dispense, or possess an illegal controlled substance at the City of Allentown. The unlawful possession, distribution, or use of an illegal controlled substance in the workplace will result in immediate dismissal.

A. PRE-EMPLOYMENT TESTING

All applicants, regardless of position, are subject to testing for drugs and alcohol as part of the hiring process.

B. REASONABLE SUSPICION TESTING

All City of Allentown employees shall be subject to urinalysis testing for the presence of a controlled substance or illegal drug and breath or blood alcohol testing for the presence of alcohol where there is reasonable suspicion to believe based on specific and immediate physical, behavioral or performance indicates probable drug or alcohol use. Employees shall not consume or use alcohol or controlled substances while off duty to the extent that evidence of such use is apparent when reporting for duty, or to the extent that the employee's ability to perform his/her duty is impaired. Employees who are taking medication that affects their job performance must alert their immediate Supervisor. Symptoms which indicate reasonable suspicion include but are not limited to the following:

- Odor of alcohol
- Glassy eyes
- Changes in speech pattern
- Staggering gait or poor coordination
- Unusual behavior, mood variations or deteriorating performance
- Physical or verbal altercations
- Possession of drugs or alcoholic beverages
- Excessive tardiness
- Insubordination
- Attendance problems
- Erratic operation of motor vehicle or equipment
- Drug or alcohol related arrests on or off the job

C. POST VEHICLE ACCIDENT TESTING

All City of Allentown employees shall be tested through urinalysis for the presence of controlled substances or illegal drugs and breath or blood alcohol testing for the presence of alcohol when the following occurs:

- The loss of human life
- The employee receives a citation under State or local law for a moving traffic violation arising from the accident, or
- Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Testing is required for each covered employee whose performance contributed to the accident or whose performance cannot be completely discounted as a contributing factor to the accident. Testing for alcohol shall be performed as soon as practical, but no more than eight (8) hours following an accident. Testing for drugs shall be performed as soon as practical, but not more than thirty-two (32) hours following an accident. The employee is prohibited from consuming alcohol until the alcohol test is performed or for an eight hour period following the accident, whichever is less.

D. TESTING RESULTS

In the event of an initial positive drug test, a confirmatory urinalysis test will be conducted using the more reliable clinical testing procedure available (Gas Chromatography/Mass Spectrometry, or CS/MS Test). In the event the confirmatory test is positive or an alcohol test and confirmatory test is positive, the employee shall be subject to the following:

First Offense – Applicants who refuse to take the drug/alcohol test or who have a confirmed positive test result shall not be hired.

Probationary employees who refuse to take the drug/alcohol test or who have a confirmed positive test result will be terminated for the first offense.

Non-probationary employees who refuse to take the drug/alcohol test or who have a confirmed positive test result shall be suspended without pay for thirty (30) work days.

Second Offense – Employee is terminated.

For the purposes of discipline and all related matters, the refusal or failure to submit to testing shall be equal to testing positive.

E. RETURN TO DUTY

Employees who are suspended because of a positive test result or because they refused to take a drug/alcohol test must participate and complete the treatment that is prescribed by the Employee Assistance Counselor. Minimum requirement for any employee testing positive or refusing to take a drug/alcohol test is participation in an addiction awareness group. Employees who do not successfully complete the treatment prescribed by the Employee Assistance Counselor shall be terminated.

Employees must pass a drug/alcohol test before being able to return to work. Prior to returning to work from the 30 work day suspension, the employee shall contact the City Program Administrator for return to duty drug/alcohol testing. The employee will pay in advance for the initial return to work testing. The employee will be reimbursed for the costs of the tests only in the event that the results are negative. The City of Allentown will pay for follow-up testing thereafter. If the test is passed and the prescribed treatment program is successfully completed, the employee shall be reinstated to their former position and pay grade.

If the test is passed but the employee has not yet completed the prescribed treatment program, the employee will return to work and their pay is subject to be reduced by 5%. This employee cannot operate any vehicle that requires a Commercial Drivers License. If the return to duty test is positive, the employee shall be terminated.

F. FOLLOW UP TESTING

Based on the recommendation of the Employee Assistance Counselor, an employee who returns to duty after substance abuse rehabilitation will be subject to a reasonable program of random follow-up drug and/or alcohol testing. A positive follow-up test result will be considered a second offence resulting in the termination of employment.

G. DRUG DETECTION LEVELS

The drug detection levels established below are subject to change based on Federal law for CDL drivers.

DRUG DETECTION LEVELS

Initial screening: Detection sensitivities - ALL REPORTS ARE IN MG/ML

DRUG	POLICE	APPLICANTS (HR)	FIRE	CDL (DOT)
Amphetamines	1,000	1,000	1,000	1,000
Barbiturates	300	300	300	
Benzodiazepine	300	300	300	
THC (marijuana metabolite)	50	50	100	50
Cocaine metabolite	300	300	300	300
Methadone	300	300	300	
Methaqualone	300	300	300	
Opiates	300	2000	300	2000
Phencyclidine	25	25	25	25
Propoxyphene	300	300	300	

Confirmation by GC/MS: Detection sensitivities

DRUG	POLICE	HR	FIRE	CDL
Amphetamines	500	500	500	500
Methamphetamines	500	500	500	500
Barbiturates	100	100	300	
Benzodiazepines	100	100	300	
THC (marijuana metabolite)	15	15	20	15
Cocaine	150	150	100	150
Methadone	200	200	100	
Opiates - Total	300	300	300	
Codeine	150	2000	150	2000
Morphine	150	2000	150	2000
Phencyclidine	25	25	25	25
Propoxyphene	300	300	300	
Methaqualone	100	100	100	

ALCOHOL TESTINGThreshold

.02 Alcohol Concentration *

* Alcohol Concentration refers to the concentration of alcohol in a person's blood or breath. When expressed as a percentage, it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Article 140.23 Violence in the Workplace

It is the policy of the City of Allentown that no City employee should have to work under circumstances that cause the employee to reasonably fear that the employee may be subject to violence. The City has zero tolerance for acts of workplace violence or the threat to use violence in the workplace.

Employees who threaten or use violence in the workplace are subject to severe disciplinary action, up to and including discharge. Activities that might prelude to violence are also subject to discipline, up to and including discharge. Examples of workplace violence include, but are not limited to the following:

- Assaults upon an employee in the form of pushing, shoving, slapping, punching, hitting and other physical contact.
- Sexual assault, rape, stalking.
- Threats of physical harm, either oral or in writing.
- Inappropriate anger and rage.

- Harassment, name calling, taunting, the use of ethnic or racial slurs and other similarly volatile activities or behavior.
- Vandalism, arson, hostage taking.
- Any act that rises to the level of criminal offense.

If an employee observes, or believes themselves to be the subject of workplace violence, they are to immediately report the observations and concerns either orally or in writing, to one of the following persons:

- the employee's immediate supervisor
- the employee's department director
- the Human Resources Manager, or designee
- the City Solicitor

Supervisors are, through this policy, made aware that when violence or the threat of imminent violence is reported to them, it is their duty to react immediately so that the matter is promptly and appropriately investigated and resolved. In such instances, the supervisor shall contact the Director of Human Resources, or his/her designee. If necessary the Police Department should also be notified.

The Director of Human Resources is responsible for the investigation of all alleged violations of this policy.

This policy applies to engaging in violent acts, or threatening violent acts, toward co-workers or other employees during non-working hours and/or offsite from City of Allentown facilities. If there is a relationship between work and the violence or threatened violence then that act is covered by this policy. Furthermore, persons who develop an off-duty record of violence or threatening violence place their continued employment at risk, where a reasonable person would conclude that the off-duty conduct demonstrates the person to be untrustworthy in terms of controlling violent tendencies. The City will undertake all reasonable steps, including cooperation with local law enforcement authorities, to insure that someone who has reported violence or the threat of violence will suffer no adverse consequences from so doing.

City of Allentown employees are also entitled to work without having to face violence or threats of violence from the public. If any member of the public threatens an employee, or acts violently toward an employee, this matter should be reported immediately as described above, and a prompt investigation will be undertaken which will, in turn, be followed by appropriate action.

Although employees have the right to report workplace violence to the Police Department, you are not obligated to do so.

Article 140.24 Third Party E-mail Review, Computer Network and Internet Access

The City of Allentown provides access to an electronic (e-mail) system to assist employees for the purpose of conducting City business. The facilities to provide that access represent a considerable commitment of City resources for telecommunications, networking, software, storage, etc. Given the City's investment in providing this facility, the City reserves the right for justifiable cause, to inspect the content of all e-mail housed in its systems. This policy also outlines the procedures and responsibilities in gaining authorization for third-party review of employee emails and applies to all officers, employees and contractors of the City of Allentown.

The Electronic Mail ("E-mail") system provided by the City of Allentown is the owner of all e-mail accounts and addresses in its registered domains. All e-mail messages processed by the City's e-mail servers become the property of the City of Allentown. E-mail users have no right of ownership or expectation of personal privacy in their e-mail messages or usage.

The City reserves the right, without notice to inspect, modify, return, reject, redirect or discard any e-mail message it receives for any reason. The City reserves the right, without notice, to limit or restrict any individual's e-mail usage. City e-mail services shall be used in accordance with all applicable Federal and State laws, policies, rules and regulations and administrative instructions, and may not be used as a vehicle to harass or intimidate. All users of City e-mail services are expected to conduct themselves in a professional ethical manner.

An employee should not assume that E-mail messages and their attachments are secure or private. E-mail messages may be retrieved by anyone to whom an employee has given their password, to whom an employee has given E-mail access rights, or by anyone having access to your computer while you are logged into it.

Any communication by e-mail should be drafted with the same care as a formal memorandum and should not contain informal remarks that might potentially be embarrassing to the sender, the receiver or anyone involved in the contents of the information contained in the e-mail message and/or attachment(s). The contents of e-mail should not include anything the sender would not want publicly disclosed.

E-mail should never contain offensive or harassing language. This prohibition includes the display or transmission of sexually implicit images, cartoons, jokes, messages, vulgarities, obscenities, sarcasm or exaggerations. Employees are strictly prohibited from sending E-mail messages of a harassing intimidating, offensive or discriminatory nature.

E-Mail should not be used to discuss confidential or sensitive information relating to employees.

Personal solicitation is permitted only to publicize charitable events.

E-Mail Third-Party Review

The City, as part of a fully authorized internal or external investigation, may find it necessary to confidentially access employee e-mails, in some cases, the City may be under a court order to perform "E-Discovery", in which case the City must comply with the Court Order.

Only the Mayor or a Department Director may initiate a request for e-mail retrieval. This request must be accompanied by an authorization from either the Solicitor's office or from the Director of Human Resources.

The authorized request will be confidentially forwarded to the Director of Information Systems who will confidentially execute the e-mail search request. The City is under no obligation to inform the user that this search is underway. The Director of Information Systems will execute the search specifically as requested and limit the search to only the individual(s) specified in the authorization and for the keywords, timeframes specified. The search is not extended beyond the originally authorized request.

The results of the inquiry will be either be downloaded to a CD or printed and confidentially returned, by hand to the requestor. Given the confidentiality of this work, the results will never be e-mailed to anyone.

Unauthorized interception, retrieval or monitoring of E-mails or failure to adhere to these standards may result in disciplinary action up to and including dismissal.

Computer Network

All information, in any format, stored by any means on the City's electronic facilities (Voicemail, E-mail, computer network drives, hard disks, or individual diskettes) is the property of the City of Allentown and subject to inspection at any time without notice. Do not assume that any electronically stored information is

private or inaccessible by others. In addition to periodic, unannounced review of stored material by authorized City employees, such information might be retrieved by unauthorized persons.

Computer Software Licenses

1. The City purchases licenses permitting the use of computer software. The City does not own this software or its related documentation and, except as authorized by the owner thereof, does not have the right to reproduce.
2. With regard to use on local area networks or on multiple machines, the City employees shall use software only in accordance with license agreement(s).
3. Employees learning of any misuse of software or related documentation within the City shall notify the Director of Information Systems or their designee.
4. No one may install personal software on City computers without approval of the Director of Information Systems.

Internet Usage

The City has contracted with an Internet Access Provider to provide access to the Internet on certain City computers. This Internet access has been obtained and is maintained for City business purposes only. The following policies apply to all use of the Internet from City computers:

1. The City's computer system and access to the Internet is maintained for the purpose of conducting City business. Use of City computers or the Internet during work hours for personal purposes is strictly prohibited.
2. Only the employees of the City are authorized to use the City's computer(s) or access the Internet through the City's system; not their families, dependents or other parties. This relates to City and non-City purposes. No employee has the authority to authorize or permit others to use the City's computer(s) for any purpose.
3. The use of E-mail, list-servers, bulletin boards and other such communications other than for City purposes is not permitted on the Internet.
4. The use of the Internet for profit, by any employee, is strictly prohibited.
5. Employees utilizing the Internet shall comply with network etiquette.
6. Any and all information which an employee is downloading shall first be scanned for any virus.
7. The use of the Internet to access, download or display pornographic, obscene, or otherwise offensive materials is strictly prohibited and will be considered a violation of the City's policies.
8. No information or materials related to City business or operations may be posted on the Internet without prior approval.
9. The terms of the Agreement between the City and the City's Internet Company apply to all Internet usage by City employees except that the City makes no assurances of privacy as to any em-

employee's usage of the City's computer system. The City specifically retains the right to review employee usage of the City's computer(s) and the Internet to assure compliance with these policies.

10. Any employee violating the computer usage policies may be subject to disciplinary action, up to and including discharge. In addition, the City retains the right to discontinue the policy of permitting employee access to the City's computer(s)/Internet access, for non-City business, at any time.

Employees should not have an expectation of privacy in anything they create, store, send, receive, or display on or over the City's computer system. The City may use any means to monitor the contents or use of its computer.

Please refer to the IT e-mail policy implemented. Copies are located on the X drive on the City computer.

Article 140.25 Pennsylvania Whistleblower Law

It is the policy of the City of Allentown to abide by all federal, state and local laws, rules and regulations, and to have all of its employees do the same.

The Pennsylvania Whistleblower Law, P.L. 1559, No. 169, 43 P.S. s1421 provides that an employee may not be discharged, threatened or otherwise discriminated or retaliated against regarding the employee's compensation, term, conditions, location or privileges of employment because the employee or person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste or that the employee is requested by an appropriate authority to participate in any investigation, hearing or inquiry held by an appropriate authority or in a court action.

Any instance of suspected waste of wrongdoing should be reported to an employee's immediate supervisor, Department Director or to the Director of Human Resources or designee, in writing and signed by the employee. If this is not practical, or if that action is taken but does not correct the perceived violation(s), a written statement, signed and dated, should be made by the employee to the Mayor, with the specific information that the employee knows, so that an investigation may be undertaken, if necessary.

An employee who believes that they have been discriminated or retaliated against in violation of the Pennsylvania Whistleblower Law may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within 180 days after the occurrence of the alleged violation.

Section Two: All Ordinances inconsistent with this provision shall be repealed to the extent of their inconsistency

Section Three: That Article 140, Personnel Code, be reviewed every two years by City Council and the Administration.

Amendments

1. Add Section Three: That Article 140, Personnel Code, be reviewed every two years by City Council and the Administration. Passed, 7-0.
2. Deletes the recreation of the Ethics Code under 140.11, initially entitled, Conflict of Interest, and adds a new title, Ethical Behavior and adding the section under 140.11. Passed, 7-0.

	Yea	Nay
Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
David M. Howells, Sr.	X	
Tony Phillips	X	
Peter G. Schweyer	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council and signed by His Honor the Mayor on the 21st day of May, 2009.


CITY CLERK